

REMARKS

Applicant thanks the Office for examining this application. Claims 1-40 are pending. Claims 1, 12, 13, 21, 22, 33, 34 and 40 have been amended. No claims have been canceled or withdrawn. A request for continued examination (RCE) accompanies this response. Withdrawal of the outstanding objections and rejections is respectfully requested in view of the following remarks.

Claim Objections

Applicant thanks the Office for indicating that claims 11 and 32 would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

Claim Amendments

Claims 1, 12, 13, 21, 22, 33, 34 and 40 have been amended. These claim amendments do not present any material that the office has not already had the opportunity to examine. Specifically, independent claims 1, 13, 22 and 34 have been amended as follows: “utilizing, by a search term suggestion component, the ~~wherein the reinforced clusters are for use by a search term suggestion component~~ to respond to a search query from a user with terms relevant to the search query.” Additionally, dependent claims 12, 21, 33, and 40 have been amended as follows:

"wherein utilizing the reinforced clusters further comprises and further comprising:

responsive to receiving a term from a user, comparing the term with a feature space of objects in the reinforced clusters;

responsive to comparing, identifying one or more search term suggestions; and

communicating the search term suggestions to the user."

Thus, these claim amendments do not present any material that the Office has not already had the opportunity to examine.

35 USC §112, Second Paragraph

Claims 1, 13, 22, and 34 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter of the invention. To support this rejection the Action points out that "[a] claim is indefinite where it merely recites a use without any active, positive steps to eliminate how this use is actually practiced." Please note that the MPEP §2173.05(q) and §7.34.06 both provide explicit examples of such a claim that does not present **any** active, positive steps. In contrast to this explicit example in the MPEP, which does not even present a single active, positive step, please note that each of the rejected claims **do present** multiple active, positive steps. .

For example, amended independent claims 1 and 13 recite the following active and positive steps "identifying relationships," "iteratively clustering," and "utilizing [...] the reinforced clusters." In another

example, claim 22 recites the following positive steps: "identifying one or more of intra-layer and inter-layer relationships," "iteratively clustering," and "utilizing [...] the reinforced clusters." Moreover, claim 34 recites the following positive steps: "identifying means to identify relationships," "iterative clustering means to iteratively cluster," and "utilizing means to use the reinforced clusters." Thus, it is false that these rejected claims do not include even a single active, positive step.

Withdrawal of the 35 USC §112, second paragraph, rejection of claims 1, 13, 22, and 34 is respectfully requested.

35 USC §101

Claims 1-11, 13-20, 22-32 and 34-39 stand rejected under 35 USC §101 as not pertaining to statutory subject matter. As a preliminary matter, the Action asserts in this section that "the claimed subject matter relates ONLY to 'iteratively clustering the multi-type data object.'" Applicant disagrees. Clearly, independent claims 1, 13, 22 and 34 as originally filed recite more features than is being asserted by the Office. For example, claim 1 explicitly recites:

- identifying relationships between multi-type data objects, wherein the multi-type data objects comprise at least one object of a first type and at least one object of a second type different from the first type;
- iteratively clustering the multi-type data objects in view of respective ones of the relationships to generate reinforced clusters; and
- utilizing, by a search term suggestion component, the to respond to a search query from a user with terms relevant to the search query

In view of the above, Applicant respectfully submits that the assertion by the Action that the "claimed subject matter relates ONLY to "iteratively clustering the multi-type data objects" is without merit.

The Action further asserts that these rejected claims fail to produce a useful, concrete, and tangible result. Applicant disagrees. Applicant respectfully submits that "generat[ing] reinforced clusters [...] to respond to a search query from a user with terms relevant to the search query", as each of independent claims 1, 13, 22 and 34 recite, is a useful, concrete, and practical (i.e., real world value) result for the claimed subject matter. However, to expedite allowance of this application these independent claims have been amended to recite "utilizing, by a search term suggestion component, the reinforced clusters to respond to a search query from a user with terms relevant to the search query." The rejected dependent claims depend from one of these base claims that clearly recite a useful, concrete, and tangible result. Thus, these dependent claims also recite a useful, concrete, and tangible result.

With respect to **claims 34-39**, the Action asserts that "the device does not require any hardware, making it software per se. As such, the instant claims are non-statutory." Applicant disagrees. Independent claim 34 claims "[a] computing device [...]." Clearly, **a computing device is a machine or manufacture**, which is statutory subject matter within the meaning of 35 USC §101. As an additional matter, the statement by the Action that "the device does not require any hardware, making it software per se." appears to indicate that the Examiner believes that a device is not a

machine or manufacture, so it must be software. Applicant respectfully submits that this interpretation is not reflective of the interpretation of a person of ordinary skill in the art. Additionally, it appears to be in direct conflict with the explicit wording of statute that indicates a machine or manufacture is statutory. If claims 34-39 are again rejected on a similar basis, Applicant respectfully request the Examiner to point to that portion of the MPEP that indicates that a claimed device that does not explicitly recited additional hardware is "software."

Withdrawal of the 35 USC §101 rejections claims 1-11, 13, 20, 22-32 and 34-39 is requested.

35 USC §102 Rejections

Claims 1- 10, 12-31, 33-35, and 37-40 stand rejected under 35 USC §102(e) as being anticipated by US Patent publication number 2003/0110181 to Schuetze. Arguments why **independent claims 1, 13, 22, and 34** are not anticipated by *Schuetze* were already presented in the previous response. Those arguments are not repeated verbatim here in, but are incorporated by reference. **Dependent claims 2-10, 14-21, 23-31, 33, and 35-40** depend from one of these base claims that are allowable over the cited reference at least based on these respective dependencies. The Examiner is urged to reconsider those arguments to withdraw the rejections and allow claims 1-10, 12-31, 33-35 and 37-40, at least for those reasons.

35 USC §103 Rejections

Claim 36 stands rejected under 35 USC §103(a) as being unpatentable over Schuetze and further in view of US patent application serial no. 6,169,986 to Bowman et al. ("Bowman"). Arguments why claim 1 is not obvious over the site of the combination was presented in the previous response. Those arguments are not repeated verbatim herein, but are incorporated by reference. Independent claim 34 recites salient features similar to those of claim 1 and is allowable for the same or similar reasons. Claim 36 depends from claim 34 and is allowable over the cited combination of references at least for reasons based on this dependency on an allowable base claim.

Withdrawal of the 35 USC §103(a) rejection of claim 36 is requested.

Conclusion

Pending claims 1-40 are in condition for allowance and action to that end is respectfully requested. Should any issue remain that prevents allowance of the application, the Office is encouraged to contact the undersigned to discuss this case prior to issuing any subsequent Action.

Respectfully Submitted,

Dated: July 24, 2007 By: /Brian G. Hart Reg. No. 44,421 /
Brian G. Hart
Reg. No. 44, 421
(509) 324-9256